

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:92CR00090-05 JLH

ALFRED LEOTIS RODGERS

DEFENDANT

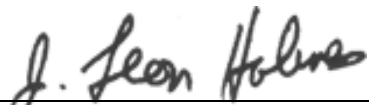
ORDER

Pending is defendant Alfred Leotis Rodgers' Motion for Reconsideration. Rodgers contends that he is entitled to a reduction because he was responsible for 673 grams of cocaine base, which would make his base offense level a 32. According to the PSR, Rodgers was responsible for 8,495.9 grams of cocaine and 589.32 grams of cocaine base.¹ Under the new Guidelines, this constitutes 3,803.64172 kilograms of marijuana equivalent and establishes a base offense level of 34. Rodgers had the same base offense level when his sentence was reduced in 2008.²

Section 1B1.10(a)(2) of the Guidelines reads: "A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if . . . an amendment listed in subsection (c) does not have the effect of lowering the defendant's applicable guideline range."³ Rodgers' base offense level and Guidelines range are unaffected by Amendment 750.

Accordingly, Rodgers' Motion for Reconsideration is DENIED. Document #348.

IT IS SO ORDERED this 17th day of April, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE

¹ Cocaine: 8,495.9 grams x 200 = 1,699,180 grams (1,699.18 kgs) of marijuana equivalent. Crack: 589.32 grams x 3,571 = 2,104,461.72 grams (2,104.46172 kgs) of marijuana equivalent.

² Document #313.

³ U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(a)(2)(B) (2011).